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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,236	03/26/2004	Nagarajan Vedaraman	U 015106-3	9026
140	7590	05/10/2006	EXAMINER	
LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023			KHAN, AMINA S	
			ART UNIT	PAPER NUMBER

1751

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/811,236

Applicant(s)

VEDARAMAN ET AL.

Examiner

Amina Khan

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/21/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 1.7.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-15 are pending. Claims 1-6 and 8 have been amended. Claims 9-15 are new.

#### ***Response to Amendment***

Applicant's amendments, filed February 21, 2006, with respect to the 35 USC 112 rejection of claim 1 have been fully considered and is sufficient to overcome the rejection. The rejection of claim 1 has been withdrawn.

#### ***Response to Arguments***

Applicant's arguments filed February 21, 2006 have been fully considered but they are not persuasive. The 35 USC 103 rejections of claims 1-4 and 6-8 over Rodriguez et al. (US 3,254,938) and claim 5 over Rodriguez in view of Panepinto (US 2,937,068) are maintained.

The applicant argues:

1. "In contrast to the invention recited in the claims, Rodriguez et al. disclose a method of leather processing whereby raw hides/skins are subjected to alkali treatment in the presence of salt in a single, combined pretreatment operation. There is no initial step of soaking in saline water of high salinity in the presence of an alkali metal or alkaline earth metal salt, and there is no motivation in Rodriguez or in the prior art generally to modify the reference to provide this initial (separate) step."
2. "Rodriguez teaches away from the provision of a separate soaking step"

3. "As mentioned earlier, water containing high salinity cannot be used normally for leather processing. This has been made possible by using calcium hydroxide in step (i). This has nothing to do with conventional unit operations for leather processing."

Regarding arguments 1 and 2, the examiner respectfully disagrees with the applicant. Rodriguez et al. (example XIV, column 10) clearly discloses a pretreatment step of treating 100 kg of dry sheep/goat skins with 400 kg of a 3% salt solution for 48 hours followed by treatment with 200% of an 8% NaCl solution and 1-2% sodium hydroxide for 5-8 hours. While Rodriguez is silent as to the components of the 3% salt solution, Rodriguez teaches that the pretreatment bath may consist of sodium hydroxide and sodium chloride alone (column 6, lines 13-16) and that the sodium chloride should be at least 0.25% with no upper limit (column 4, lines 10-20) with a treatment time of 2 to 48 hours. It would be obvious to one of ordinary skill in the art to use 11000 to 30000 ppm chlorides and at least 0.04% sodium hydroxide because Rodriguez teaches pretreatment baths with both components, and the percentages would just require optimization, which only requires routine skill in the art.

Regarding the order of the soaking and fleshing steps. Rodriguez fleshes the skins after the first pretreatment step and before the second pre-treatment step. However, the courts have found that changing the order of steps does not render a claimed process nonobvious over the prior art, see *Ex parte Rubin*, 128 USPQ 440, 441, 442 (POBA 1959).

Regarding argument 3, the examiner respectfully disagrees with the applicant. Rodriguez clearly teaches treating hides with high salinity treatment baths, up to 3% salt solution in step 1 and 8% NaCl in step 2 (example XIV, column 10) in conventional unit operations for leather processing. It would be obvious to one of ordinary skill in the art to substitute other salts such as calcium hydroxide for sodium hydroxide because they are well known in the art to be used in conventional unit operations for leather processing.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11 recites the limitation "rehydrated hide/skin" in line 1. There is insufficient antecedent basis for this limitation in the claim or in claims 9 or 1 upon which this claim depends. Claim 1 recites "soaked hides/skins" and "treated hides/skin", however no reference is made to "rehydrated hide/skin". Appropriate correction of the claim language is required.

Claims 12-15, being dependent on claim 11, are rejected as well.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-12,14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (US Patent 3,254,938).

The prior art of Rodriguez et al. teaches methods for tanning leather comprising treating hides or skins with about 0.25% or greater sodium chloride in water (column 3, lines 61-69; column 4, lines 9-15) and 2% or greater sodium hydroxide (column 3, lines 61-69; column 4, lines 15-20; column 10, line 64) for a period of 2 to 48 hours (column 4, lines 23-24) followed by defleshing (column 4, lines 36-18). The prior art further teaches that the hides and skins treated are animal hides, specifically cowhides, sheepskins and goatskins (column 9, line 43; column 10, line 52). The prior art further teaches a method for producing many varieties of final leathers (column 2, lines 58-59).

The prior art further teaches a treating dried sheep and goat skins with wool and hair, in the amount of 100 kgs. with 400 kgs. of a 3% salt solution for 48 hours, then fleshing, trimming, dehairing and finally treating with 200% of an 8% NaCl solution and 1-2% of NaOH for 5 to 8 hours as claimed in claim 1.

Rodriguez is silent to the components of the 3% salt solution and the properties "facilitate the subsequent removal of non-collagenous material from the rehydrated hide/skin" and "sufficient alkali to swell protein in the rehydrated skin/hide". Rodriguez further differs from the prior art in the order of the soaking and fleshing steps.

While Rodriguez is silent as to the components of the 3% salt solution, Rodriguez teaches that the pretreatment bath may consist of sodium hydroxide and sodium chloride alone (column 6, lines 13-16) and that the sodium chloride should be at least

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0.25% with no upper limit (column 4, lines 10-20) with a treatment time of 2 to 48 hours. It would be obvious to one of ordinary skill in the art to use 11000 to 30000 ppm chlorides, specifically greater than 25000 ppm chloride and at least 0.04% sodium hydroxide because Rodriguez teaches pre-treatment baths with both components, and the percentages would just require optimization which only requires routine skill in the art.

It would further be obvious to one of ordinary skill in the art at the time the invention was made that the methods taught by Rodriguez et al. would "facilitate the subsequent removal of non-collagenous material from the rehydrated hide/skin" and have "sufficient alkali to swell protein in the rehydrated skin/hide" because Rodriguez teaches similar treatment compositions and similar treatment steps.

Regarding the order of the soaking and fleshing steps. Rodriguez fleshes the skins after the first pretreatment step and before the second pre-treatment step. However, the courts have found that changing the order of steps does not render a claimed process nonobvious over the prior art, see *Ex parte Rubin*, 128 USPQ 440, 441, 442 (POBA 1959).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. (US Patent 3,254,938) as applied to claims 9-12,14 and 15 above, and further in view of Panepinto (US Patent 2,937,068).

The primary reference of Rodriguez et al. is relied upon as set forth above. However, the primary reference does not teach calcium hydroxide or magnesium hydroxide.

The secondary reference of Panepinto in the analogous art of leather preparation teaches methods of treating cowhides (column 2, lines 29-30) with calcium hydroxide (column 3, lines 19-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the primary reference of Rodriguez by incorporating calcium hydroxide taught in the secondary reference of Panepinto because Rodriguez invites the inclusion of other alkalies, buffers and salts (column 3, line 66) to the treatment compositions with the reasonable expectation of success. The burden is on the applicant to prove otherwise. Furthermore, it is well known procedure in the art to lime, i.e. treat with calcium hydroxide.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



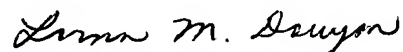
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Amina Khan  
Patent Examiner  
May 6, 2006



LORNA M. DOUYON  
PRIMARY EXAMINER